

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**Court Minutes**

**January 7, 2008**

- C054599      THE PEOPLE v. HOPKINS      (Not For Publication)**  
The judgment is affirmed.  
HULL, J.  
We Concur: Scotland, P.J.  
Cantil-Sakauye, J.
- C055030      THE PEOPLE v. LE      (Not For Publication)**  
The judgment is affirmed.  
RAYE, Acting P.J.  
We Concur: Hull, J.  
Cantil-Sakauye, J.
- C051831      WRIGHT v. COUNTY OF PLACER et al.      (Not For Publication)**  
The judgment is affirmed.  
BLEASE, J.  
We Concur: Scotland, P.J.  
Raye, J.
- C053594      THE PEOPLE v. KESTERSON**  
BY THE COURT:  
Appellant's petition for rehearing is denied.  
SCOTLAND, P.J.
- C054237      THE PEOPLE v. SWAFFORD**  
BY THE COURT:  
Appellant's motion to recall the remittitur is granted. The remittitur issued on December 3, 2007, is ordered recalled, and the trial court clerk is directed to return the original remittitur to this court. The opinion of this court filed on October 1, 2007, and submission of the case are vacated because defendant's counsel did not receive a copy of the opinion. The appeal is reinstated. ...  
SCOTLAND, P.J.
- C051606      MINASIAN v. WEST**  
BY THE COURT:  
... The petition for rehearing is denied.  
SIMS, Acting P.J.  
Davis, J.  
Raye, J.

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**Court Minutes**

**January 8, 2008**

- C053617      THE PEOPLE v. NAVARRETTE      (Not For Publication)**  
The judgment is affirmed. The trial court is ordered to prepare an amended abstract of judgment showing that the sentence for petty theft is stayed ... and defendant received two one-year enhancements for having served prior prison terms ... and to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.  
BLEASE, Acting P.J.  
We Concur: Raye, J.  
Cantil-Sakauye, J.
- C053663      THE PEOPLE v. RILEY      (Not For Publication)**  
The trial court is directed to prepare a corrected abstract of judgment reflecting that defendant was sentenced as a two-strike offender and to forward a certified copy to the Department of Corrections and Rehabilitation. The judgment is affirmed.  
MORRISON, J.  
We Concur: Raye, Acting P.J.  
Butz, J.
- C053742      THE PEOPLE v. HUGHES      (Not For Publication)**  
The judgment is affirmed.  
MORRISON, J.  
We Concur: Blease, Acting P.J.  
Robie, J.
- C053830      THE PEOPLE v. SANCHEZ      (Not For Publication)**  
The judgment is affirmed.  
MORRISON, J.  
We Concur: Blease, Acting P.J.  
Robie, J.
- C051564      In re NATHAN POPE on Habeas Corpus      (Certified For Publication)**  
The superior court's order granting defendant's petition for writ of habeas corpus is vacated, and the superior court is directed to enter an order denying the petition.  
RAYE, J.  
We Concur: Scotland, P.J.  
Nicholson, J.

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**Court Minutes**

**January 9, 2008**

- C054288      THE PEOPLE v. ROY      (Not For Publication)**  
The judgment is affirmed. There is a minor clerical error in the abstract of judgment. The conviction on count 2 ... is for transportation of a controlled substance rather than for possession of controlled substance paraphernalia. The trial court is directed to amend the abstract of judgment accordingly and to send a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.  
   DAVIS, Acting P.J.  
We Concur:      Robie, J.  
   Butz, J.
- C054816      THE PEOPLE v. KENYON      (Not For Publication)**  
The sentences for count three ... in case No. 03F5818 and count three ... in case No. 06F5678 are stayed. As so modified, the judgment is affirmed. The trial court is ordered to prepare an amended abstract of judgment showing this modification and send it to the Department of Corrections and Rehabilitation.  
   ROBIE, J.  
We Concur:      Scotland, P.J.  
   Morrison, J.
- C055260      THE PEOPLE v. MENDOZA      (Not For Publication)**  
The judgment is affirmed.  
   ROBIE, J.  
We Concur:      Sims, Acting P.J.  
   Nicholson, J.
- C054630      SX RANCH, INC. v. VOGT et al.      (Not For Publication)**  
The judgment is affirmed. Respondents shall recover costs on appeal.  
   BLEASE, Acting P.J.  
We Concur:      Nicholson, J.  
   Hull, J.
- C055448      ENVIRONMENTAL DEFENSE PROJECT (Certified For Publication)  
OF SIERRA COUNTY v. COUNTY OF  
SIERRA et al.**  
The judgment is affirmed. Plaintiff is awarded its costs on appeal. ...  
   ROBIE, J.  
We Concur:      Scotland, P.J.  
   Sims, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
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**Court Minutes**

**January 9, 2008, continued**

- C055146      In re K.S. et al.; SACRAMENTO COUNTY (Not For Publication)**  
**DEPARTMENT OF HEALTH AND HUMAN**  
**SERVICES v. YOLANDA J.**  
          The judgment is affirmed.  
                                HULL, J.  
We Concur:   Scotland, P.J.  
                                Cantil-Sakauye, J.
- C055440      In re KODY K.; THE PEOPLE v. KODY K. (Not For Publication)**  
          The judgment is affirmed.  
                                BLEASE, Acting P.J.  
We Concur:   Butz, J.  
                                Cantil-Sakauye, J.
- C055509      In re A.G.; SACRAMENTO COUNTY                      (Not For Publication)**  
**DEPARTMENT OF HEALTH AND HUMAN**  
**SERVICES v. V.H.**  
          The April 10, 2007 orders of the juvenile court made at the review hearing  
are reversed. The matter is remanded with directions to the juvenile court to  
conduct a new review hearing, after providing appellant and her counsel with  
proper notice or appointing new counsel to represent appellant.  
                                MORRISON, J.  
We Concur:   Sims, Acting P.J.  
                                Robie, J.
- C052272      THE PEOPLE v. LAVORICO**  
**BY THE COURT:**  
          Appellant's petition for rehearing is denied.  
                                BLEASE, Acting P.J.
- C052867      THE PEOPLE v. KIRKLAND                                      (Not For Publication)**  
**THE COURT:**  
          It is ordered that the opinion filed herein on December 26, 2007, be  
modified...  
          Since the sentence for leaving the scene was concurrent to the principal  
term, resentencing is not necessary.  
          There is no change in the judgment  
**BY THE COURT:**  
                                DAVIS, Acting P.J.  
                                Robie, J.  
                                Butz, J.

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**Court Minutes**

**January 9, 2008, continued**

**C055448      ENVIRONMENTAL DEFENSE PROJECT (Certified For Publication)  
OF SIERRA COUNTY v. COUNTY OF  
SIERRA et al.**

THE COURT:

It is ordered that the opinion filed herein on January 9, 2008, be modified

...

This modification does not change the judgment.

FOR THE COURT:

SCOTLAND, P.J.

Sims, J.

Robie, J.

**January 10, 2008**

**C050332      THE PEOPLE v. MATYE (Certified For Partial Publication)**

The judgment is modified to stay ... the service of the sentences on count three, criminal threats, and count four, damage to a telephone line. As modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect the modification and to correct errors identified in part IV of this opinion, ante, and to send a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.

SCOTLAND, P.J.

We Concur: Sims, J.

Nicholson, J.

**C054337      THE PEOPLE v. HERNANDEZ (Not For Publication)**

The judgment is affirmed. The trial court is directed to correct the amended abstract of judgment to reflect that a section 12022.7 enhancement was imposed as to count seven, not count one, and to forward a certified copy of the corrected abstract to the Department of Corrections and Rehabilitation.

SCOTLAND, P.J.

We Concur: Davis, J.

Nicholson, J.

**C054680      THE PEOPLE v. MITCHELL (Not For Publication)**

The sentence is vacated and the matter is remanded to the trial court for resentencing consistent with this opinion and the holding in People v. Sandoval .... In all other respects, the judgment is affirmed.

SCOTLAND, P.J.

We Concur: Davis, J.

Nicholson, J.

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**Court Minutes**

**January 10, 2008, continued**

- C054904      THE PEOPLE v. RYALL      (Not For Publication)**  
We affirm the judgment .... The redundant conviction for misdemeanor threatening with a firearm ... is dismissed. The conviction for the prior prison term enhancement ... is reversed for insufficient evidence. In all other respects, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment consistent with this opinion and to forward the amended abstract to the Department of Corrections and Rehabilitation.  
NICHOLSON, J.  
We Concur:    Blease, J.  
                  Davis, J.
- C055310      THE PEOPLE v. BARKER      (Not For Publication)**  
The judgment is affirmed.  
SCOTLAND, P.J.  
We Concur:    Davis, J.  
                  Nicholson, J.
- C055530      THE PEOPLE v. LEE      (Not For Publication)**  
The judgment is affirmed.  
BUTZ, J.  
We Concur:    Davis, Acting P.J.  
                  Raye, J.
- C055744      THE PEOPLE v. KEITH      (Not For Publication)**  
The judgment is modified by striking the Penal Code section 1202.45 fine. As modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect this modification and to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.  
SCOTLAND, P.J.  
We Concur:    Davis, J.  
                  Nicholson, J.
- C045727      MCGARRY v. SAX et al.      (Certified For Partial Publication)**  
The judgment in favor of The Wave is affirmed. The Tum Yeto judgment is not a subject of the present appeal. The parties shall bear their own costs on appeal. ...  
RAYE, J.  
We Concur:    Scotland, P.J.  
                  Sims, J.

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**Court Minutes**

**January 10, 2008, continued**

**C055629      In re CARISSA S. et al; SACRAMENTO      (Not For Publication)  
COUNTY DEPARTMENT OF HEALTH  
AND HUMAN SERVICES v. JASON S.**

The judgment is affirmed.

CANTIL-SAKAUYE, J.

We Concur:    Blease, Acting P.J.  
                 Butz, J.

**January 11, 2008**

**C050985      THE PEOPLE v. OGG      (Not For Publication)**

Defendant's request to take judicial notice of the superior court docket is denied. The judgment is affirmed in all respects but one: the attorney fee reimbursement order is reversed, and that matter is remanded .... The trial court is directed to prepare an amended abstract of judgment reflecting the resolution of this matter and to forward a certified copy of the abstract to the Department of Corrections and Rehabilitation. The trial court is also directed to appoint nonconflicted counsel to represent defendant in a habeas corpus proceeding ....

DAVIS, J.

We Concur:    Sims, Acting P.J.  
                 Hull, J.

**C053765      THE PEOPLE v. RILEY      (Not For Publication)**

The judgment is affirmed.

ROBIE, J.

We Concur:    Blease, Acting P.J.  
                 Sims, J.

**C055115      THE PEOPLE v. DETOSKEY      (Not For Publication)**

The appeal is dismissed.

ROBIE, J.

We Concur:    Blease, Acting P.J.  
                 Sims, J.

**C053293      MARANATHA CORRECTIONS, LLC, et al. (Certified For Publication)  
C053913      v. DEPARTMENT OF CORRECTIONS  
AND REHABILITATION et al.**

The orders appealed from are affirmed. Defendants shall recover costs. ... . The matter is remanded to the trial court to determine the proper amount of attorney fees to be awarded defendants on appeal.

BUTZ, J.

We Concur:    Scotland, J.  
                 Cantil-Sakauye, J.

**COURT OF APPEAL  
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**Court Minutes**

**January 11, 2008, continued**

**C053724      In re NEHEMIAH R.; SACRAMENTO      (Not For Publication)  
COUNTY DEPARTMENT OF HEALTH  
AND HUMAN SERVICES v. DANIELLE R.  
et al.**

**THE COURT:**

It is ordered that the opinion filed in this case on December 20, 2007, be modified as follows ...

This modification does not effect a change in the judgment.

Appellant (mother) Rachel R.'s petition for rehearing is denied.

**BY THE COURT:**

SIMS, Acting P.J.

Hull, J.

Butz, J.